

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ROBERT C. RIGSBY,**

**Petitioner,**

**v.**

**CASE NO. 2:12-CV-0242  
CRIM. NO. 2:10-CR-0083  
JUDGE MARBLEY  
MAGISTRATE JUDGE ABEL**

**UNITED STATES OF AMERICA,**

**Respondent.**

**OPINION AND ORDER**

On July 6, 2012, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Courts recommending that the instant motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 be dismissed as time-barred. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
ALGENON L. MARBLEY  
United States District Judge